

The Honorable Richard A. Jones

United States District Court  
for the Western District of Washington

**CASE NO. 2:20-CV-00372-RAJ-BAT**

**EN BANC HEARING REQUESTED**  
**ORAL ARGUMENT REQUESTED**

PLAINTIFFS' FINAL REPLY TO DEFENDANT'S MOTION TO DISMISS

**I. The Parties to this complaint:**

Plaintiff: Gabriella Kertesz pro se and all other similarly situated citizens

Defendant: Bob Ferguson  
Attorney General of Washington State  
800 Fifth Ave  
Suite 2000  
Seattle, WA 98104  
206-464-6763  
[publicrecords@atg.wa.gov](mailto:publicrecords@atg.wa.gov)

**II. Response**

Ms. Kertesz has brought a very serious violation to federal court. Utilizing the law to protect only the lawbreakers is unconstitutional. It violates the Spirit of the Law.

The harm done to plaintiffs is irreparable, as the law is unable to offer any compensation to victims. The LAW cannot punish anyone who unknowingly breaks a law. When lawbreakers offer up "good faith" defense, the law accepts it and voids liability for past injuries. The healthcare sector is off the hook for their past

transgression, but they cannot be allowed to continue breaking the law with impunity. Violators of the law shall be kept on their knees until they obey the law. The preventive injunctive relief will be a godsend to them too. It will teach them how to be good human beings by telling the truth.

RCW 7.70.060 must be constitutionalized to stop the large-scale lawbreaking. There is no other way to remedy a violation of such magnitude. Ms. Kertesz is the only one who has taken responsibility for this horrendous violation. She will speak her mind now, because she has nothing to lose. When *our laws* strip victims of their rights to question their consent in a court of law, there is no justice left in this world. A world without justice is a hellish place to be for all of us.

Hereby, Ms. Kertesz is putting it on record that she wholeheartedly rejects every word of Bob Ferguson's argument for his Motion to Dismiss. Ms. Kertesz's complaint was written in the language of the spirit of the law. She was not afraid to use her own words to speak the truth. She wrote a complaint in a language that every human being could understand. Her complaint did not need the support of irrelevant citations to give the *impression* of substance. It held up on its own.

The Attorney General states in his response dated 4/30/2020:

Page 1 line 18:

*"The Complaint Must Be Dismissed Because Plaintiff Lacks Article III Standing Necessary to Invoke This Court's Jurisdiction"*

Ms. Kertesz believes she has sufficiently argued Article III standing. She is not going to repeat her argument again. She prays that this honorable court understands the mechanism of the injustice exposed by Ms. Kertesz's complaint. To turn a blind eye to the unconstitutional enforcement of RCW 7.70.060 shocks the conscience of Ms. Kertesz. She has done her best to pry open the eyes of our blind justice system.

Page 3 line 16:

*“Additionally, Plaintiff served the summons and complaint upon Attorney General Ferguson in his official capacity by leaving the summons and complaint in the office of the Attorney General with an Assistant Attorney General. See RCW 4.92.020. Had Plaintiff intended to name Attorney General Ferguson in his individual capacity, service upon the state in this manner would have been insufficient, and the Complaint should be dismissed for insufficient service of process under Fed. R. Civ. Proc. 12(b)(4).”*

Plaintiffs have served **two sets** of summon and complaint to the Attorney General:

1. On 3/11/2020 plaintiffs have mailed a copy of the summon and complaint by certified mail to Attorney General Bob Ferguson. This was done following Fed.R.Civ.P 4(i)(2) and was meant to serve him in his official capacity. According to postal records, the summon and complaint was delivered to his office.
2. On 3/13/2020 plaintiffs have served the Attorney General in his individual capacity according to Fed.R.Civ.P. 4(i)(3) and 4(e). Just to be sure that there is no misunderstanding, Ms. Kertesz made a note at the bottom of the proof of service stating the following: *“Bob Ferguson was served in his individual capacity under Fed.R.Civ.P. 4(i)(3) on this date.”*

Ms. Kertesz has electronically filed all proof of service for record keeping. Ms. Kertesz followed Fed.R.Civ.P. 4(i) to the best of her abilities. If any errors were committed, they were done in good faith. Ms. Kertesz did not break any law. She might have misunderstood a rule. She has never summoned anyone to federal court before. The Attorney General has responded to Ms. Kertesz’s complaint, so the summon did what it was supposed to do.

### **III. Conclusion**

Ms. Kertesz has done her civic duty and brought a grave violation of our laws to federal court.

Ms. Kertesz has been dealt injustice from a small claims court judge already. If her case is dismissed, she will not appeal. Ms. Kertesz has no authority to question the judgment of a lifetime judge. She has volunteered to be only a citizen litigant in this world.

Ms. Kertesz swore to deliver the truth to a judge appointed for life, so she had to decline judge Tsuchida. Ms. Kertesz could only reach the highest of courts by practicing the law to the extreme. She believes that someone somewhere has already heard her pleas.

Hereby Ms. Kertesz sends a heartfelt thank you to God for trusting her with the delivery of the truth to the highest of courts. She did not deserve such privilege. May He forgive her for all her other failings.

#### **IV. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5/5/2020

Signature of Plaintiff: s/ Gabriella Kertesz

Printed Name of Plaintiff: Gabriella Kertesz  
9702 1st Ave NW  
Seattle, WA 98117  
Tel: 425-243-2287  
Email: [gaboca@gmail.com](mailto:gaboca@gmail.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

UNITED STATES WESTERN DISTRICT COURT CLERK SEATTLE,  
WA

Bob Ferguson  
Attorney General of Washington State  
800 Fifth Ave  
Suite 2000  
Seattle, WA 98104

KELSEY L. MARTIN, WSBA No. 50296  
Assistant Attorney General  
Agriculture and Health Division  
Attorneys for Defendant Bob Ferguson

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct. DATED this 5th day of May, 2020, at Seattle, WA.

s/ Gabriella Kertesz  
Gabriella Kertesz pro se